

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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<b>ULTRATEC, INC. and CAPTEL, INC.,</b>	§	
	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No.: 3:14-cv-00066-JDP
	§	
<b>SORENSEN COMMUNICATIONS, INC.</b>	§	
<b>and CAPTIONCALL, LLC,</b>	§	
	§	
Defendants.	§	
	§	

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**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' F.R.C.P. 26(a)(3)  
WITNESS LIST**

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Defendants Sorenson Communications, Inc. and CaptionCall, LLC (collectively "defendants") submit the following objections to plaintiffs Ultratec, Inc. and CapTel, Inc.'s Trial Witness List dated July 20, 2015 (Dkt. 388).

**GENERAL OBJECTIONS**

1. Defendants reserve the right to supplement, modify, or withdraw any objection to plaintiffs' presentation of any witness at trial.
2. Defendants will seek to depose any witness that was not timely disclosed during discovery in the event that the Court does not exclude the witness's testimony.
3. Defendants object to any attempt by plaintiffs to present the testimony at trial of a witness not identified on plaintiffs' July 20, 2015 witness list.

## SPECIFIC OBJECTIONS

### **OBJECTION 1: UNDEPOSED WITNESSES**

Defendants object to testimony from Katie Kretschman or Brenda Battat to the extent that testimony is covered by their July 3, 2015 disclosures. Plaintiffs have refused to provide depositions for either individual with respect to those disclosures, and defendants have filed a motion to preclude such testimony. *See* Dkt. 404, Defendants' Motion *in Limine* #13.

<b>Witness</b>	<b>Objections</b>
Brenda Battat	Defendants object as set forth in Objection #1 above.
Paul Ludwick	Defendants object based upon their pending motions <i>in limine</i> , including the pending Daubert motions concerning Mr. Ludwick. Dkts. 371, 407.
Bruce McFarlane	Defendants object based upon their pending motions <i>in limine</i> , including the Daubert motion concerning Mr. McFarlane. Dkt. 408.
Katie Kretschman	Defendants object as set forth in Objection #1 above.
Mark Turner	Defendants object to the extent Mr. Turner is called in either the liability or damages phases as he has not been disclosed as being relevant to either. Dkt. 256 (June 5, 2015 Disclosure of Mr. Turner regarding Ultratec's capacity to manufacture CapTel phones and historical sales and growth). Defendants also object to any testimony in the liability or damages phases as Mr. Turner has not been deposed.

Wayne Roorda	Defendants object to Mr. Roorda as not having any information or testimony relevant for trial, and any testimony from Mr. Roorda would be both prejudicial and misleading to the jury.
Leslie Kim Wellman	Defendants object to testimony from Ms. Wellman as set forth in their pending motions <i>in limine</i> , including Dkts. 354 and 356. Defendants object to Ms. Wellman as having no relevant testimony for the liability phase and have set forth the reasons to exclude her testimony from any damages phase in the pending motions.
Robert Cochran Puzey	Defendants object to testimony from Mr. Puzey as set forth in their pending motions <i>in limine</i> , including Dkts. 354 and 356.
Karen Peltz Strauss	Defendants object to testimony from Ms. Peltz Strauss as not being relevant to any issues in the liability or damages phases of the trial and being the subject of pending motions <i>in limine</i> . <i>See</i> Dkts. 363, 372. Plaintiffs have stated that testimony from Ms. Peltz Strauss will only be offered for rebuttal purposes. <i>See</i> Dkt. 388 at 3.

<p>Corporate rep of The Hamilton Telephone Company</p>	<p>Defendants object to any testimony from an as-yet unidentified individual. Plaintiffs have still not identified any individual they may bring to trial, and defendants therefore have not been provided adequate notice during discovery (or even now). To the extent the Court permits plaintiffs to later disclose the individual they may bring to trial, defendants object to any testimony from any corporate representative of Hamilton Telephone without a deposition first occurring.</p>
<p>Corporate representative of Sprint Nextel</p>	<p>Defendants object to any testimony from an as-yet unidentified individual. Plaintiffs have still not identified any individual they may bring to trial, and defendants therefore have not been provided adequate notice during discovery (or even now). To the extent the Court permits plaintiffs to later disclose the individual they may bring to trial, defendants object to any testimony from any corporate representative of Sprint Nextel without a deposition first occurring.</p>

Dated: August 3, 2015

Respectfully submitted,

/s/ Bryant C. Boren, Jr.  
Bryant C. Boren, Jr.  
Lead Attorney  
*Admitted Pro Hac Vice*  
bryant.c.boren@bakerbotts.com  
BAKER BOTTS L.L.P.  
1001 Page Mill Road  
Palo Alto, CA 94304  
Telephone: (650) 739-7501  
Facsimile: (650) 739-7601

Jonathan B. Rubenstein  
*Admitted Pro Hac Vice*  
jonathan.rubenstein@bakerbotts.com  
BAKER BOTTS L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, TX 75201  
Telephone: (214) 953-6594  
Facsimile: (214) 661-4594

Brian Oaks  
*Admitted Pro Hac Vice*  
brian.oaks@bakerbotts.com  
BAKER BOTTS L.L.P.  
98 San Jacinto Blvd.  
Austin, TX 78701  
Telephone: (512) 322-5470  
Facsimile: (512) 322-3621

Allen A. Arntsen  
aarntsen@foley.com  
FOLEY & LARDNER LLP  
150 E. Gilman Street  
P.O. Box 1497  
Madison, Wisconsin 53701-1497  
Tel.: 608.258.4293  
Fax: 608.258.4258

**Attorneys for Defendants and Counter-Plaintiffs  
Sorenson Communications, Inc. and CaptionCall,  
LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 3, 2015, a copy of the foregoing pleading was served electronically, via CM/ECF, on all counsel of record who are deemed to have consented to such service under the Court's local rules.

/s/ Harper S. Batts